

## **REMARKS**

Reconsideration of this application as amended is respectfully requested.

Claims 1-88 are canceled. Claims 89-108 and 121-125 have been withdrawn. Claims 109-120, 126 and 127 are pending. Claims 109, 115, 126 and 127 have been amended. Support for the amendments is found in the specification, the drawings, and in the claims as originally filed.

Applicant submits that the amendments do not add new matter.

### **Rejections Under 35 U.S.C. § 101**

Claims 109-114, 126 and 127 were rejected under 35 U.S.C. § 101 because the claimed invention is directed to a non-statutory subject matter. Claims 109-114, 126 and 127 have been amended to specifically indicate that they are directed to a computer-implemented method, as supported by the specification of the present application. For example, the specification describes the claimed functionality as part of process 500 implemented in software (see pages 21-22 of the specification). The language of independent claims 109, 115, 126 and 127 have been further amended to clarify that the claimed operations are performed by a computer within a computer. As held by the courts, a claimed computer implemented process is within the “technological art”. See *In re Toma*, 197 USPQ (BNA) 852 (CCPA 1978). Accordingly, Applicant respectfully requests the withdrawal of the rejection under 35 U.S.C. § 101 and submits that the pending claims are in condition for allowance. Applicant respectfully requests reconsideration of the application and allowance of the pending claims.


Applicant thanks the Examiner for indicating that claims 115-120 contain allowable subject matter if rewritten to include amendments to the preamble as suggested by the Examiner. In response, Applicant has amended claims 115-120 to include the language suggested by the Examiner. In view of these amendments, Applicant respectfully submits that claims 115-120 are now in condition for allowance, and requests allowance of said claims.

It is respectfully submitted that in view of the amendments and arguments set forth herein, the applicable rejections and objections have been overcome. If there are any additional charges, please charge Deposit Account No. 02-2666 for any fee deficiency that may be due.

Respectfully submitted,

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